

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SURETEC INSURANCE COMPANY,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
C.R. CRAWFORD CONSTRUCTION,	§	Case No. 6:21-cv-398-JDK
LLC,	§	
	§	
Defendant,	§	
	§	
A.L. FULLER DRYWALL &	§	
CONSTRUCTION, INC.	§	
	§	
Intervenor.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Defendant C.R. Crawford Construction, LLC's motion to dismiss or alternatively transfer this action. Docket No. 2. The motion was fully briefed (Docket Nos. 8, 9, 12, 14), and was referred to United States Magistrate Judge John D. Love for findings of fact and recommendations for disposition (Docket No. 15).

On December 15, 2021, Judge Love issued a Report recommending that the Court grant Defendant's motion in part and stay the case pending arbitration currently proceeding as AAA No. 01-21-0005-0091. All parties received a copy of this Report via the Court's CM/ECF electronic filing system. To date, no objections to the Report have been filed, and the prescribed time period for filing objections has passed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


Here, no party objected in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

The Court has reviewed the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. Accordingly, it is **ORDERED** that the Report of the United States Magistrate Judge (Docket No. 18) is **ADOPTED** as the opinion of the Court. Defendant’s motion (Docket No. 2) is **GRANTED-IN-PART** and this case is **STAYED** pending the resolution of arbitration proceeding as AAA No. 01-21-0005-0091. Further, it is **ORDERED** that the parties shall file a notice with the Court within five days of the completion of the arbitration proceedings indicating whether this matter can be closed or explaining what further action is needed in this case.

Finally, the Court directs the Clerk of Court to administratively close this case for administrative and statistical purposes. The administrative and statistical

closing of this case shall not prejudice the rights of the parties to proceed with this case if further proceedings become necessary.

So **ORDERED** and **SIGNED** this **4th** day of **January, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE